

REMARKS

The Office Action mailed February 27, 2009 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Record of Interview

On June 18, 2009, an interview was conducted by telephone between Examiner Shanto Abedin and the undersigned. The Applicant thanks the Examiner for granting this interview. The details of the interview are set forth in the Interview Summary document made of record.

Claim Status and Amendment of the Claims

Claims 1-46 are currently pending.

No claims stand allowed.

Claims 1, 13, 23, 38, 40, and 42 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. No new matter has been added.

The 35 U.S.C. § 101 Rejection

Claims 1-12, 35, 38-39, and 44 stand rejected as allegedly being directed to nonstatutory subject matter.¹ With this Amendment, independent claims 1 and 38 have been amended to recite in part a memory for storing routing data received on the plurality of input ports. Withdrawal of the 35 U.S.C. § 101 Rejection is respectfully requested.

¹ Office Action mailed February 27, 2009, at ¶ 7.

Claims 2-12, 35, 39, and 44

Claims 2-12, 35, and 44 depend from Claim 1. Claim 39 depends from Claim 38.

Claims 1 and 38 being allowable, Claims 2-12, 35, 39, and 44 must also be allowable for at least the same reasons as for Claims 1 and 38.

The First 35 U.S.C. § 103 Rejection

Claims 1-34 and 44-46 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Tsuchiya et al.² or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Kameda.^{3 4} This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁵

Claim 1

Claim 1 as presently amended recites:

A network access device comprising:
a plurality of input ports;
a memory for storing routing data received on the plurality of input ports;
a switching fabric for routing the data to at least one output port; and
control logic adapted to:
 authenticate a physical address of a user device coupled to one of the
 plurality of input ports;

² U.S. Patent No. 7,360,086 to Tsuchiya et al.

³ U.S. Publication No. 2003/0028808 to Kameda

⁴ Office Action at ¶ 8.

⁵ M.P.E.P. § 2143.

authenticate user information provided by a user of the user device only if the physical address is valid; and
dynamically assign a user policy to the one of the plurality of input ports and restrict further traffic on the one of the plurality of input ports in accordance with the user policy only if the user information is valid and if the network access device has enough system resources to dynamically configure the user policy.

With this Amendment, Claim 1 has been amended to recite in part control logic adapted to dynamically assign a user policy to the one of the plurality of input ports and to restrict further traffic on the one of the plurality of input ports in accordance with the user policy only if the user information is valid and if the network access device has enough system resources to dynamically configure the user policy. Support for this Amendment is found in the specification, figures, and claims as originally filed, for example reference numerals 320 and 324 of FIG. 3 and supporting text in the specification. The Applicant respectfully submits the limitations of Claim 1 as presently amended are not disclosed or suggested by the cited art of record.

The Examiner also refers to Tsuchiya et al. regarding the Examiner's contention that the cited references disclose authenticating user information provided by a user of the user device only if the physical address is valid. The portion of Tsuchiya et al. cited by the Examiner speaks generally about creating a host table by learning a source MAC address and a source IP address of a packet, and if an entry corresponding to the source IP address is not found in the host table, prompting for a user name and password. Then a message is sent to verify the received information. Thus, in Tsuchiya et al., user authentication is performed if the source *IP* address (not a physical address) is *not* found (indicating it is invalid). In other words, the user authentication of Tsuchiya et al. is not done only if a physical address is valid as required by

Claim 1. Instead, user authentication in Tsuchiya et al. is done if something *other* than the physical address (the IP address) is *invalid*.

In support of the Examiner's contention that Tsuchiya et al. discloses restricting access to the one of the plurality of input ports in accordance with a user policy associated with the user information only if the user information is valid, the Examiner refers also refers to portions of Tsuchiya et al that disclose performing user authentication if something *other* than the physical address (the IP address) is *invalid*. Nowhere does the portion of Tsuchiya et al. cited by the Examiner disclose restricting access to the one of the plurality of input ports in accordance with a user policy associated with the user information *only if the user information is valid* as required by Claim 1.

For at least these reasons, the 35 U.S.C. § 102 Rejection of Claim 1 based on Tsuchiya et al., and the 35 U.S.C. § 103 Rejection of Claim 1 based on Kameda is unsupported by the cited art of record and the rejections must be withdrawn.

Claims 13 and 23

Claim 13 is a method claim corresponding to apparatus claim 1. Claim 23 is a system claim corresponding to apparatus claim 1. Claim 1 being allowable, Claims 13 and 23 must be allowable for at least the same reasons as Claim 1.

Dependent Claims 2-12, 14-22, 24-34, and 44-46

Claims 2-12 and 44 depend from Claim 1. Claims 14-22 and 45 depend from Claim 13. Claims 24-34 and 46 depend from Claim 23. Claims 1, 13, and 23 being allowable, Claims 2-12, 14-22, 24-34, and 44-46 must also be allowable for at least the same reasons as for Claims 1, 13, and 23.

The Second 35 U.S.C. § 103 Rejection

Claims 35-43 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Tsuchiya et al. in view of Kameda, and further in view of Volpano,⁶ of which no claims are independent claims.⁷ This rejection is respectfully traversed.

Claims 35-37

Claims 35, 36, and 37 depend from Claims 1, 13, and 23, respectively. The arguments made above with respect to the 35 U.S.C. § 103 rejection of independent Claims 1, 13, and 23 apply here as well. The 35 U.S.C. § 103 rejection of Claims 1, 13, and 23 is unsupported by the cited art of record because each and every element as set forth in Claims 1, 13, and 23 is not taught or suggested by Tsuchiya et al. in view of Kameda. Accordingly, the 35 U.S.C. § 103 rejection of dependent claims 35-37 based on Tsuchiya et al. in view of Kameda, and further in view of Volpano is also unsupported by the cited art of record. Thus, a *prima facie* case has not been established and the rejection must be withdrawn.

⁶ U.S. Patent No. 7,188, 634 to Volpano.

⁷ Office Action at ¶ 9.

Claims 38, 40, and 42

Claims 38, 40, and 42 include limitations similar to Claims 1, 13, and 23, respectively. The arguments made above with respect to the 35 U.S.C. § 103 rejection of independent Claims 1, 13, and 23 apply here as well. The 35 U.S.C. § 103 rejection of Claims 1, 13, and 23 is unsupported by the cited art of record because each and every element as set forth in Claims 1, 13, and 23 as presently amended is not taught or suggested by Tsuchiva et al. in view of Kameda, and further in view of Volpano. Accordingly, the 35 U.S.C. § 103 rejection of claims 38, 40, and 42 based on Tsuchiva et al. in view of Kameda et al., and further in view of Volpano is also unsupported by the cited art of record. Thus, a *prima facie* case has not been established and the rejection must be withdrawn.

Claims 39, 41, and 43

Claims 39, 41, and 43, depend from Claims 38, 40, and 42, respectively. Claims 38, 40, and 42 being allowable, Claims 39, 41, and 43 must also be allowable for at least the same reasons as for Claims 38, 40, and 42.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557.

Respectfully submitted,

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